



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

February 13, 2017

CERTIFIED MAIL #7010 0780 0001 9992 7107

Mr. Jason McGee
Joe McGee Construction Company Inc.
P.O. Box 340
Lake, MS 39092

**Re: Joe McGee Construction Company Inc., Garner Mine
Agreed Order No. 6721 17**

Dear Mr. McGee:

Enclosed you will find a copy of Agreed Order No. 6721 17, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The penalty payment, when due, should be made by check payable to the Mississippi Department of Environmental Quality and returned in the enclosed, self-addressed envelope to the MDEQ Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Danny Beasley at (601) 961-5356.

Sincerely,

A handwritten signature in blue ink that reads "Tim Aultman".

Tim Aultman, P.E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Danny Beasley

Agency Interest No. 67199
ENF20170001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6721 17

JOE MCGEE CONSTRUCTION COMPANY, INC.
P.O. BOX 340
LAKE, MISSISSIPPI 39092

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality (MDEQ), Complainant, and Joe McGee Construction Company, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated September 27, 2016, Respondent was contacted by Complainant and notified of the following alleged violations of Mississippi Mining Storm Water General Permit Certificate of Coverage Number MSR322449, discovered during a Compliance Evaluation Inspection (CEI) conducted on August 30, 2016, at Respondents surface mining site located at North Street, Brandon, Mississippi in Rankin County:

- A. Violation of ACT6 S-1 (1): Failure to implement the site specific SWPPP.
- B. Violation of ACT6 S-2 (10): Failure to perform maintenance of erosion and sediment controls.
- C. Violation of ACT6 S-3: Failure to mark mine boundaries.
- D. Violation of ACT8 S-1: Failure to submit an annual Site Inspection Report.

At an Administrative Conference held on December 13, 2016, Respondent, provided documentation asserting that corrective actions for the alleged violations had been undertaken. Site visits by MDEQ staff performed after the Administrative Conference verified that the deficient site conditions had been adequately addressed.

2.

In lieu of a formal enforcement hearing concerning the alleged violations listed above, Complainant and Respondent agree to settle this matter as follows:

- A. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$9,500. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Jennifer Parish
P.O. Box 2339
Jackson, MS 39225

3.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

4.

Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

5.

The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth herein, Respondent does not admit any of the allegations listed above and

nothing contained herein shall be in any way construed as an admission of liability by Respondent. Without admitting any liability, Respondent consents to entry of this Agreed Order, which the parties agree shall serve as the full resolution of the violations alleged above. The parties further agree that the Commission continues to assert that the matters set forth above were violations of the environmental laws, regulations and/or permits applicable to Respondent.

6.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 10th day of FEBRUARY, 2017.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 7th day of February, 2017.

JOE MCGEE CONSTRUCTION COMPANY, INC.

BY: *Joe McGee*

TITLE: President

STATE OF MS

COUNTY OF Rankin

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Joe McGee who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Joe McGee Construction Company, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 7th day of February, 2017.

Sherril Etheredge
NOTARY PUBLIC

My Commission expires: May 15, 2019

